

DOCKET NO.: 4834

THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF THE APPLICATION FOR PATENT

OF: Eckart FISCHER et al.
SERIAL NO.: 10/522,038
FILED: July 19, 2005

ART UNIT: 3661
EXAMINER: C. H. NGUYEN
CONFIRM. NO.: 1554

FOR: METHOD FOR ASSISTING A DRIVER WHEN PERFORMING DRIVING
MANEUVERS

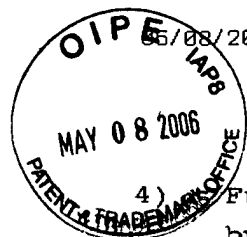
MS ISSUE FEE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

May 8, 2006

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Dear Sir:

- 1) Referring to item 6 of the Detailed Action enclosed with the Notice of Allowance of March 8, 2006, applicant has the following comments on the Examiner's Statement of Reasons for Allowance.
- 2) In addition to being patentable over the closest prior art references identified by the Examiner, present independent claims 15 and 27 are also patentable over a combined consideration of all the prior art references of record, because the prior art references do not disclose and would not have suggested the features of claim 15, and the features of claim 27, respectively.
- 3) The Examiner indicates that "above claims require that there are an evaluation device, and retardation means for influencing the vehicle longitudinal speed." That statement omits an important alternative recited in present apparatus claim 27, namely that there are "retardation means (50) and/or forward drive means (51) for influencing the vehicle longitudinal speed". In other words, it is not necessarily "retardation means" but may alternatively or additionally be "forward drive means" for influencing the vehicle longitudinal speed. It is thus the retardation means and/or the forward drive means that can be activated independently of the driver.



4) Furthermore, method claim 15 does not recite and is not limited by "an evaluation device" or "retardation means and/or forward drive means". Instead, method claim 15, recites the method feature of "the vehicle longitudinal speed (v) being influenced independently of the driver ..." without reciting or being limited to apparatus elements such as retardation means and/or forward drive means.

Respectfully submitted
Eckart FISCHER et al. - Applicant

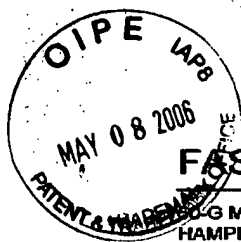
WFF:he/4834

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CERTIFICATE OF FAX TRANSMISSION:

I hereby certify that this correspondence with all indicated enclosures is being transmitted by telefax to 571-273-2885 on the date indicated below, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Karin Smith - May 8, 2006
Name: Karin Smith - Date: May 8, 2006

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WALTER F. FASSE

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Of Counsel**TELEFAX COVER SHEET**

DATE: May 8, 2006

TO: MS ISSUE FEE
COMMISSIONER FOR PATENTS

FAX NO.: 571-273-2885

FROM: WALTER F. FASSE, ESQ.
FASSE PATENT ATTORNEYS, P.A.RE: Applicant: Eckart FISCHER et al. Our Case No: 4834
USSN: 10/522,038
Filed: July 19, 2005
Title: Method for Assisting a Driver when Performing
Driving Maneuvers

TOTAL NUMBER OF SHEETS BY TELEFAX: 5 (INCLUDING COVER SHEET)

NOTE: We are enclosing:

- a) Issue Fee / Publication Fee Transmittal (Form PTOL-85);
- b) Credit Card Payment (Form PTO-2038) (\$1700.00);
- ~~c) Transmittal of Supplemental Declaration;~~
- ~~d) Supplemental Declaration.~~
- c) Comments on Examiner's Statement of Reasons for Allowance.

W.F.Fasse

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